

Police Service of Northern Ireland

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POLICY DIRECTIVE

POLICE SERVICE OF NORTHERN IRELAND CHILD PROTECTION POLICY

1. POLICY IDENTIFICATION

POLICY TITLE: Police Service of Northern Ireland
Child Protection Policy

POLICY OWNERSHIP:

DEPARTMENT	Criminal Justice
BRANCH	Policy and Public Safety

POLICY APPROVED BY:

CCF REF/OTHER	ACC J K Gillespie, Criminal Justice Department
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INDEX

SECTIONS 1- 6

Section	Subject	Page
1	Policy Identification Page	1
2	Policy Statement	3
(1)	Policy	3-4
(2)	Definitions	4-5
3	Introduction	5
(1)	Aims	5-6
(2)	Legislative Requirements	6-7
(3)	General Principles	7
4	Implications of the Policy	7
(1)	Police Statutory Powers for Protecting Children	7
(2)	Information Sharing	8
(3)	Police Attendance at Child Protection Case Conferences	8
(4)	Direct/Indirect Interaction with Children as Members of the Community	8
(5)	Direct Interaction with Children in the Justice Context	9
(6)	Children and Domestic Incidents	10
(7)	Procedures for Dealing with Allegations made against PSNI Members and Support Staff	10
(8)	Dealing with Bullying	10
(9)	Children Reported Missing	10
(10)	Engaging with Children and Young People in all other Aspects of Police Activity	10
(11)	Police Child Protection Training	10
(12)	Personnel Issues, Supervision and Management	11
(13)	Consultation	11
5	Human Rights/UNCRC/Code of Ethics/Freedom of Information	11
6	Monitoring and Review	11-12
7	Internal Policy Links	12

2. POLICY STATEMENT

(1) Policy

- (a) The Police Service of Northern Ireland (PSNI) will ensure that cases of Child Abuse, whether physical, sexual, emotional or by neglect are investigated by trained officers in co-operation with colleagues from Social Services in accordance with the Protocol for Joint Investigation by Social Workers and Police Officers of Alleged and Suspected Cases of Child Abuse - Northern Ireland.
- (b) Children who report having been victims of a criminal offence will be treated in accordance with the Police Service Code of Ethics, and have their report dealt with in the same manner as that of any adult complaint.
- (c) The PSNI will deal with all child witnesses to criminal offences in accordance with the provisions of the Criminal Evidence (NI) Order 1999 and the 'Achieving Best Evidence' guidance.
- (d) The PSNI will ensure that children/young persons suspected of criminal offending are dealt with in accordance with the provisions of the Police and Criminal Evidence (NI) Order 1989, the Codes of Practice, and the Youth Diversion Scheme. The Youth Diversion Scheme will also provide the framework within which the police will deal with children and young persons involved in anti-social behaviour, or identified as at risk of offending.
- (e) Information and intelligence will be shared with other agencies when such a course of action is necessary to ensure the safety and protection of children. In addition, the Police Service aim to have an appropriate attendance at 100% of Initial Child Protection Case Conferences and attendance at all Review Child Protection Case Conferences where police have a significant contribution to make to the decision-making process.
- (f) Officers attending Domestic Incidents will take note of children who are resident or present in the home or if the alleged victim is pregnant. The information will be passed to the relevant Health and Social Services Trust (HSST) as soon as possible.
- (g) All reports of bullying will in the first instance be viewed as a potential criminal offence, and must be recorded and investigated accordingly. It is important that full consideration be given to a partnership response to the incident, involving other relevant and appropriate agencies who may be able to provide other support and intervention in respect of the victim and the situation, eg education, social services, youth services, or a voluntary or community based organisation.
- (h) When considering the use of children as Covert Human Intelligence Sources (CHIS) the PSNI will comply with Sections 6.24 – 6.28 of the Manual of Minimum Standards for Covert Human Intelligence Sources approved by the Association of Chief Police Officers (ACPOs) and by HM Revenue and Customs.
- (i) The PSNI intends that all police staff who carry out duties relating to child protection will be vetted to the appropriate standard, carefully managed, supervised and supported in their duties.
- (j) The Police Service is working towards ensuring that all officers and support staff coming into contact with children and young persons in a community context have been fully vetted for the purposes of child protection, and treat them at all times with dignity and respect. The Police Service will, as far as possible endeavour to take the views of children and young people into consideration concerning matters impacting on them.
- (k) The Police Service intends to develop training for all police officers and police staff which will include training on the identification of possible abuse, handling disclosure and reports of abuse, recording and reporting information about abuse and supporting children who have been abused.

- (l) Allegations of Child Abuse made against police officers or police staff will be taken seriously and immediate steps will be taken to ensure appropriate investigation.

(2) **Definitions**

- (a) **Child** is defined by Article 1 of the Children (NI) Order 1995 as any person under 18 years of age.
- (b) (i) **Child Abuse** is a generic term encompassing all situations involving ill-treatment of children, including serious physical and sexual assaults as well as cases where the standards of care indicate or pose a risk of significant harm.
- (ii) The PSNI has adopted the definition of child abuse set out in 'Co-operating to Safeguard Children (May 2003)' (the Department of Health, Social Services and Public Safety (DHSSPS) guide to inter-agency working to safeguard and promote the welfare of children).
- (iii) It defines child abuse by reference to the presence of one or more of the following criteria and provides definitions and examples of the four broad categories of abuse:
 - (aa) Neglect;
 - (bb) Physical Abuse;
 - (cc) Sexual Abuse;
 - (dd) Emotional Abuse.
- (c) **Child in Need.** An additional threshold is also used to describe those instances where significant harm, or the likelihood of it, may not be apparent, but where an assessment is needed by those same statutory agencies to determine what services are necessary for children and their families. This is sometimes termed the 'Child in Need' threshold and is defined by Article 17 and Schedule 2 of the Children (NI) Order 1995.
- (d) (i) **Significant Harm.** Articles 2(2) and 50(3) of the Children (NI) Order 1995 introduce into Northern Ireland legislation the concept of 'significant harm' as the threshold that justifies compulsory intervention in family life in the best interests of children. HSS Trusts are duty bound to make enquiries or cause enquiries to be made in circumstances where they have a reasonable cause to suspect that a child is suffering or is likely to suffer significant harm (Article 66).
- (ii) The courts may only make an order (committing the child to the care of a HSS Trust or putting the child under the supervision of a social worker) in respect of a child if it is satisfied that:
 - (aa) The child is suffering, or is likely to suffer, significant harm; and
 - (bb) The harm, or likelihood of harm, is attributable to a lack of adequate parental care or control (Article 50).
- (iii) There are no absolute legally or medically defined criteria on which to rely when judging what constitutes significant harm. Consideration of the severity of ill-treatment may include the degree and the extent of physical harm, the duration and frequency of abuse and neglect, and the extent of premeditation, degree of threat and coercion, and sadism in child sexual abuse.

(e) **Bullying**

Bullying occurs when a victim, who may be weaker and less powerful than the perpetrator, is targeted in a deliberately hostile and aggressive manner. Bullying may or may not amount to a criminal offence. The effect, however, experienced by the victim will always be painful and distressing.

The main types of bullying are:

- (i) Physical, eg hitting, kicking, sexual assault or theft;
- (ii) Verbal, eg sectarian/racist/sexual remarks, name calling or threats;
- (iii) Information technology based, eg via the Internet or text messaging;
- (iv) Indirect, eg spreading rumours.

- (f) **Child Care Referral.** A referral by the Police Service to Social Services of any concern for a child where it is considered that the child may be at risk of significant harm or in need. Such a concern has no threshold and is a subjective assessment intended to raise awareness of the need for closer inspection of the wider circumstances of the child. Whilst a Child Care Referral can be made verbally on the telephone, it must be followed up in writing (by letter from the District Commander).

Officers attending incidents of Domestic Abuse must be particularly aware of the need to make a referral to the relevant HSS Trust - Section 7, paragraph 10 refers.

- (g) (i) **Child Protection Referral.** The term used to describe a notification to the Police Service from a HSS Trust, or a notification from the Police Service to a HSS Trust of an allegation or suspicion of child abuse. Such a referral will be made verbally in the first instance and will be followed up in writing on an approved form - Form PJI 1 as per the 'Protocol for Joint Investigation by Social Workers and Police Officers of Alleged and Suspected Cases of Child Abuse - Northern Ireland'.
- (ii) **In any case where doubt arises about whether or not a particular case necessitates a Child Care or Child Protection Referral, the matter should be referred to the local Public Protection Unit (PPU) for advice.**
- (h) **Child Protection Policy.** The policy and processes that an organisation puts in place to ensure that children who come into contact with its members and employees are treated with dignity, their views taken into consideration and are not placed at risk of abuse or harm. This will include the procedures to be followed whenever concerns are raised either about an individual child, a group of children, or about any adults having contact with a child or children.

3. INTRODUCTION

The PSNI recognises that it has a fundamental duty of care towards vulnerable persons in society. As children represent a significant percentage of the population and as the protection of children presents a variety of issues for police, it has become necessary to develop a comprehensive policing policy on the issue of child protection.

(1) **Aims**

- (a) This Policy aims to provide the PSNI with clear standards against which all police and police staff's interactions with children can be measured.
- (b) Police interactions with children can be broken into two broad categories:
 - (i) Direct/indirect interaction with children as members of the community;

- (ii) Direct interaction with children in the Justice context as either:
 - (aa) Victims of;
 - (bb) Perpetrators of; or
 - (cc) Witnesses to crime.
- (c) A review process, as per the Police Service Policy Directive, has been put in place to ensure that Police Service staff carry out the important responsibilities placed upon them and that all other police policy meets these standards and principles. This Policy also seeks to enhance and complement those standards already expected of Police Service staff identified in the Police Service Code of Ethics.
- (d) Protecting life and preventing crime are primary tasks of the police. Children are citizens who have the right to the protection offered by the criminal law. Police have a duty and responsibility to investigate criminal offences committed against children and such investigations should be carried out sensitively, thoroughly and professionally.
- (e) It is also incumbent upon Chief Officers to ensure that the investigation of child abuse is seen as being as important as the investigation of any other form of serious crime. In recognition of these facts, the PSNI have placed investigation of child abuse as a responsibility of each District or, in cases of serious sexual assaults of children committed by strangers, Crime Operations Department. Investigations of child abuse will be conducted therefore either by Public Protection Units (PPUs) within each District – or by the Rape Crime Unit (RCU) within Crime Operations Department and in accordance with the 'Co-operating to Safeguard Children' document.
- (f) **It is important, nevertheless, that Child Protection is not seen solely as the role of PPU or RCU personnel, but that all police officers and police staff understand that it is a fundamental part of their duties.** Police Service staff may, in all aspects of police duty, come across situations where child protection must be considered. When attending incidents of violence, especially those involving domestic abuse or bullying, Police Service staff should be aware of the effect of such violence on children and the duty they have towards such children.

(2) Legislative Requirements

- (a) Although the primary responsibility for safeguarding children rests with parents, a principle enshrined in legislation [Children (NI) Order 1995], it is also the duty of every member of the police service, whether police officer or police staff (hereafter referred to as Police Service staff) to safeguard and protect children (Art. 46). The abuse of children, whether sexually, physically, emotionally or by neglect and whether in the home or outside is unacceptable and police play an important role both in the prevention of such abuse and in the investigation of criminal abuse of children.
- (b) International human rights standards particularly the United Nations Convention on the Rights of the Child identify four core principles:
 - (i) The best interests of the child must be paramount (Article 3);
 - (ii) Children have a right to be heard (Articles 12 and 13);
 - (iii) Children have a right not to be discriminated against (Article 2);
 - (iv) The State has a duty to protect children (Article 19).
- (c) In addition to these, Article 3 of the European Convention on Human Rights (ECHR) states that citizens have a right not to be subjected to inhuman or degrading treatment. The Human Rights legislation applies equally to adults and to children.

- (d) Every child is entitled to have these important principles upheld, and this will sometimes be at the expense of the rights to privacy enjoyed by the parent or carer of the child. In order to ensure that police adhere to each of the above principles they must be reflected in all policing policy that may have an impact on children and will be applied in all police interactions with children.

(3) General Principles

The PSNI Child Protection Policy is based on the principles as set out in 'Co-operating to Safeguard Children'. The more relevant principles are set out below:

- (a) The child's welfare must always be paramount and this overrides all other considerations;
- (b) A proper balance must be struck between protecting children and respecting the rights and needs of parents, their families and other significant adults, but where there is a conflict, the child's interests must remain paramount;
- (c) Children have a right to be heard, to be listened to and to be taken seriously. Taking account of their age and understanding they should be consulted and involved in all matters and decisions which may affect their lives;
- (d) Parents/carers have a right to respect and should be consulted and involved in matters which concern their families;
- (e) Children and families have equal access to services across the region;
- (f) Actions taken to protect a child, including investigation, should not in themselves be abusive, effort should be made to avoid causing the child unnecessary distress or adding to any damage already suffered;
- (g) Intervention should not deal with the child in isolation; the child must be considered in a family setting, with the impact of concerns also informing an assessment of the needs of other children within the family;
- (h) Where it is necessary to protect the child from further abuse; alternatives which do not involve moving the child and which minimise disruption (of the family or placement) should be explored;
- (i) Actions taken by agencies must be considered and well informed so that they are sensitive to and take account of the child's gender, age, stage of development, physical or mental disability, religion, culture, language, race and, in relation to adolescents, sexual orientation;
- (j) All agencies concerned with the protection of children must work together on an interagency basis in the best interests of children and their families;
- (k) Each agency must have an understanding of each other's professional values and accept their respective roles, powers and responsibilities.

4. IMPLICATIONS OF THE POLICY

(1) Police Statutory Powers for Protecting Children

Police have emergency powers to enter premises and to ensure the immediate protection of children who are believed to be suffering, or at risk of suffering, significant harm [Article 65, Children (NI) Order 1995]. Such powers should be used only when necessary, the principle is that wherever possible the decision to remove a child from a parent or carer should be made by a court.

(2) Information Sharing

- (a) Reports of child abuse investigations and into child deaths have on a number of occasions been critical of professionals in different agencies for failing to share information about children about whom there are concerns. The Government has made it clear that it expects professionals to share information.
- (b) The Police Service is committed to sharing information and intelligence with other agencies where there are child protection concerns. Disclosure of information about those who abuse children or are alleged to have abused children, especially violent and sexual offenders and offenders listed at Schedule 1 of the Children and Young Persons Act (NI) 1968, does however, raise some very sensitive and far-reaching issues. While the Police Service recognise the need to protect the rights of the individual, the protection of children must be the overriding concern. Information about an individual being disclosed prior to their being charged or convicted of a criminal offence is likely to have some considerable impact on the individual concerned and will engage the rights of the individual as protected by Article 8, ECHR incorporated in the Human Rights Act (HRA) 1998, 'the right to respect for private life'. On the other hand, the police have a clear responsibility to protect children from abuse. It is important to note that the law requires decisions concerning disclosure of information in such instances to be based on a detailed consideration of the facts and merits of the individual case and not merely taking into account the conflicting interests of the subject and child/children in the form of a balancing act - Section 7, paragraph 3 refers.

(3) Police Attendance at Child Protection Case Conferences

- (a) The Police Service recognise that they have an important role to play in the Child Protection Case Conference process and a responsibility to be active in this process.
- (b) The responsibility for police attendance at Case Conference will lie with the local district in which the child resides. Where a PPU is or has been involved in an investigation concerning a particular child or children then an officer who is fully acquainted with the investigation should also attend the Case Conference. In order to fulfil this responsibility, those representing the Police Service at child protection case conferences, must be fully informed about the case as well as being competent in risk assessment and the decision-making process.
- (c) Officers will be expected to share police information and intelligence in the interests of child protection and they should expect other agencies to share with them information and intelligence they hold to enable the police to carry out their duties and responsibilities – Section 7, paragraph 4 refers.

(4) Direct/Indirect Interaction with Children as Members of the Community

- (a) Children and young people under the age of 25 years comprise the largest proportion of the population in Northern Ireland. It can therefore be safely assumed that they are the largest client group with which the police will interact.
- (b) The Youth Strategy for the Police Service centres on three key themes - Justice [see subparagraph (5) below], Education and Consultation. In the context of the latter two themes the police will engage with groups of children and young people in a range of settings, both formal as in the classroom when delivering the Citizenship and Safety Education programme, or in a less formal youth club setting.
- (c) Police officers engaging with children and young people as members of the community must adhere to the principles and practise of child protection - Section 7, paragraph 5 refers.

(5) **Direct Interaction with Children in the Justice Context**

In a justice context this will fall into the following categories:

(a) **Victims of crime (Other than Child Abuse)**

- (i) Becoming a victim of crime is a traumatic experience for any person, but particularly so when that person is more vulnerable because of their age, as in the case of a child. The Police Service acknowledges that research has shown children and young people are statistically more likely to be the victims of violent crime in particular.
- (ii) The Police Service will ensure that all children who are victims of crime will be dealt with consistent with the Code of Ethics, in a professional and sensitive manner appropriate to their needs, which safeguards and upholds their individual rights - Section 7, paragraph 6 refers.

(b) **Perpetrators of Crime**

- (i) The Police Service recognises that children and young people commit crime and anti-social behaviour for a variety of reasons, and the majority of those who do will subsequently mature into adult life as positive citizens. With that in mind the Youth Diversion Scheme provides the mechanisms by which it is possible to address the individual's offending behaviour, yet provide an opportunity to divert that child or young person from the more formal processes of the justice system.
- (ii) The Youth Diversion Scheme provides a holistic approach to dealing with offending by children and young people. Decisions as to appropriate disposals take into consideration the circumstances of the offence, previous offending history, but importantly relevant information from partner agencies relating to the circumstances surrounding the individual child or young person. The use of restorative interventions provides a real opportunity for the child or young person to speak for themselves and to draw out the underlying factors which may have led to the offending behaviour. All young people who have offended will be dealt with in accordance with the Youth Diversion Scheme, and the Police and Criminal Evidence (NI) Order - Section 7, paragraph 7 refers.

(c) **Witnesses to Crime**

- (i) Children as members of society are very often present when criminal offences are committed. In many instances children will be important witnesses to crime and the gathering of their evidence will be essential to the investigation and prosecution.
- (ii) The Criminal Evidence (NI) Order 1999 introduces a number of 'Special Measures' to facilitate the gathering of evidence from children (under 18 years). Guidance on the use of these 'Special Measures' and on the interviewing of child witnesses to crime has been produced. This guidance, which has been entitled 'Achieving Best Evidence' must now be used when interviewing children who have been witnesses to crime - Section 7, paragraph 8 refers.

(d) **Children as Covert Human Intelligence Sources (CHIS)**

PSNI will comply with the ACPO and Her Majesty's Customs and Excise Manual of Minimum Standards For Covert Human Intelligence Sources (CHIS) in relation to the use of Juvenile Sources - Section 7, paragraph 9 refers.

(6) **Children and Domestic Incidents**

Officers attending Domestic Incidents will often come across children in the home or gain knowledge that there are children involved. Some children may have been exposed to repeated episodes of abuse. On some occasions the victim may be pregnant. This knowledge raises a number of child protection concerns. Police **must** take steps to ensure that these issues are addressed. It is now the policy of the PSNI to pass such information to the relevant Social Services Trust as soon as possible - Section 7, paragraph 10 refers.

(7) **Procedures for Dealing with Allegations made against PSNI Members and Police Staff**

Any complaint made against a police officer while on duty will be referred to the Police Ombudsman for Northern Ireland (PONI). Other complaints will be investigated in accordance with the policy - Section 7, paragraph 11 refers.

(8) **Dealing with Bullying**

The issue of 'bullying' has become a significant problem in Northern Ireland over the last number of years. Although the problem manifests most often in the context of education, police must take steps to ensure that all reported incidents of bullying are fully investigated. Youth Diversion Officers should be kept informed of all reported incidents and will be able to provide advice and assistance - Section 7, paragraph 12 refers.

(9) **Children Reported Missing**

Children are included under the definition of vulnerable persons for the purpose of PSNI Missing Persons Manual. Although children go missing from home, or from out of home care, for a variety of reasons, most of which do not involve anything sinister, any report must be dealt with strictly in accordance with policy and guidance. **When a child has returned home, following having been reported missing, arrangements should be made to have that child spoken to as soon as possible in order to directly establish the reason for their having gone missing.** New Service Procedure to be issued - Police Action in Respect of Missing Persons and 'Regional Guidance: Police Involvement in Residential Units and Safeguarding of Children Missing from Home and Foster Care' refers.

(10) **Engaging with Children and Young People in all other aspects of Police Activity**

- (a) Notwithstanding any of the situations described in the forgoing paragraphs police officers must fully consider the potential ramifications of coming into contact with children and young people when engaged in any police activity. Whether conducting a house search, policing a parade, or transporting an arrested child or young person back to the custody suite, the guidance in this document must be considered.
- (b) Those with responsibility for developing policy, guidance and instructions, in relation to police activity, should ensure that an appropriate audit tool is used to ensure compliance with child protection principles and practise.

(11) **Police Child Protection Training**

- (a) Training Unit Module 1D4, which is concerned with contributing to the protection of children from abuse, was developed by the Community Justice National Training Organisation (NTO) and has been adopted into the police training strategy. It covers the identification of possible abuse, handling disclosures from a child, recording and reporting information about abuse and supporting children who may have been abused.
- (b) The Unit covers all types of abuse - physical, neglect, emotional and sexual abuse. It includes how and to whom suspicion of abuse should be referred and information on the source of additional advice and support - Section 7, paragraph 13 refers.

(12) Personnel Issues, Supervision and Management

As a statutory agency, the PSNI have corporate responsibility for the investigation of alleged and suspected abuse and crime committed against children. The investigation of child abuse presents a number of personnel and supervision issues for managers. This is such an important and sensitive area of work that it requires senior managers to be active in ensuring adequate supervision, support and resources. Public Enquiries and other reports have highlighted the need for managers, not to leave staff to get on with Child Protection work but to be accountable for the actions of staff through supervision and strategic management - Section 7, paragraphs 1 and 14 refer.

(13) Consultation

The following have been consulted during the preparation of this Policy:

- (a) District Commanders;
- (b) Crime Operations Department;
- (c) Child Protection Advisory Group;
- (d) Criminal Justice Department;
- (e) Association of Chief Police Officers (ACPO);
- (f) Human Rights Adviser;
- (g) NI Human Rights Commissioner;
- (h) Centrex;
- (i) Northern Ireland Commissioner for Children and Young People (NICCY);
- (j) Department of Health and Social Services;
- (k) Children's Law Centre;
- (l) Social Services Inspectorate;
- (m) National Society for the Prevention of Cruelty to Children (NSPCC);
- (n) Northern Ireland Office (NIO).

5. HUMAN RIGHTS/UNCRC/EQUALITY/CODE OF ETHICS/FREEDOM OF INFORMATION

- (1) This Policy Directive and accompanying Procedure is deemed comply with the Human Rights Act and UNCRC. It has been screened for Section 75 considerations and meets the organisation's integrity standards.
- (2) Sections 1 – 6 of this Policy are suitable for public disclosure in accordance with Freedom of Information Act 2000, however, the accompanying Procedure and Guidance is suitable for internal dissemination only.

6. MONITORING AND REVIEW

- (1) This Policy was first approved in February 2005 by Assistant Chief Constable J K Gillespie, Criminal Justice Department.
- (2) The Head of Criminal Justice Department is responsible for reviewing the contents of this Policy on an annual basis.

- (3) D/Chief Inspector, Lead Officer for Vulnerable Witnesses and Sexual Offences, will review this Policy Directive on an annual basis.
- (4) Feedback relating to this Policy should be made to D/Chief Inspector, Lead Officer for Vulnerable Witnesses and Sexual Offences, Criminal Justice Department.

7. INTERNAL POLICY LINKS

- (1) Policy Directive No 09/08 – Police Response to Domestic Incidents;
- (2) Service Procedure No 30/05 – Notification to Educational Establishments of Allegations of Sexual Assault/Child Abuse Against Teaching or other staff;
- (3) Service Procedure No 37/05 – Multi-Agency Procedures for the Assessment and Management of Sex Offenders;
- (4) Service Procedure No 33/06 – ViSOR (Violent and Sex Offender Register);
- (5) Service Procedure No 17/08 – Youth Diversion Scheme;
- (6) Service Procedure No 36/08 – Sudden Unexpected Death of an Infant (SUDI);
- (7) Service Procedure No??/09 – Police Action in Respect of Missing Persons;
- (8) ACPO 2007 Guidance on Protecting the Public, Managing Sexual and Violent Offenders;
- (9) Public Protection Arrangements Northern Ireland (PPANI) Manual of Practice 2008;
- (10) Protocol for the Joint Investigation by Social Workers and Police Officers of Alleged and Suspected Cases of Child Abuse;
- (11) Achieving Best Evidence in Criminal Proceedings (Northern Ireland): Guidance for Vulnerable or Intimidated Witnesses, including Children;
- (12) ACPO Guidance on Investigating Serious Sexual Offences;
- (13) ACPO Guidance on Core Investigative Doctrine;
- (14) ACPO Guidance on Investigating Child Abuse and Safeguarding Children;
- (15) Area Child Protection Committees Regional Policy and Procedures;
- (16) Regional Guidance: Police Involvement in Residential Units and Safeguarding of Children Missing from Home and Foster Care;
- (17) DHSSPS Co-operating to Safeguard Children 2003.